

LEGISLATIVE  
DEPARTMENT

## ATLANTIC AND ST. LAWRENCE RAILROAD COMPANY.

*To the Honorable Senate and House of Representatives  
now in Session :*

Your committee on roads, to whom was referred Senate bill No. 19, House bill No. 36, entitled "an act in addition to an act constituting the Atlantic & St. Lawrence Railroad Company a corporation within this State," approved Oct. 27, 1848, would respectfully report that they have had said bill under consideration before the joint committee on roads of the two Houses, and we have endeavored to give to the subject that consideration which its importance, and the interest felt in it by the people of this and other States, seemed to demand.

The committee consider it a matter of no ordinary moment, involving great interests of the company making the

application, and to neighboring States, as well as to the people of this State, and especially to those of our citizens residing in the north-eastern part of this State.

It may also be supposed to affect the interests of the Passumpsic railroad, and the contemplated Missisquoi railroad, chartered at the last session of the legislature.

The bill is an amendment of the act of 1849, so as to give to the corporation a further time till the first day of August next, to make further survey and locate their road on the ground originally granted by their charter.

Under ordinary circumstances, this application would have been granted as a matter of course—and more especially so, when it is considered that the Atlantic and St. Lawrence Railroad is a great work, connecting the Atlantic with the St. Lawrence, being nearly three hundred miles in length, connecting distant cities and States, and involving an expenditure of nearly nine millions of dollars.

The Atlantic and St. Lawrence Railroad company, having been previously established by the legislature of Maine, in 1845, and by the legislature of New Hampshire, in 1847, was constituted a corporation within this State by an act passed in 1848. The general purpose of the company, and its object in seeking the right of way through this State, appear in the description of the route, which the act authorized them to adopt. The second section of that act is in the following words :

“The said company are hereby authorized to continue and extend their railroad according to the provisions of their charter, and subject to the conditions and limitations of this

act, from the western line of New Hampshire, in the county of Coos, through the north-eastern part of this State, to the boundary of Canada, there to connect with the Atlantic and St. Lawrence railroad, to be constructed from Montreal to said boundary line."

145216 F.M. CRAIG The intention of the company to apply to the General Assembly of Vermont for the passage of the act of 1848, was not made known by the usual publication of notice, required by the statute, at that time, but all the parties within this State supposed to be interested in the matter, and particularly the President and several of the Directors of the Passumpsic railroad company were notified and consulted as to the objects of the act. The terms of the act and the description of the route were also particularly made known to two other directors of that company, after the bill was drawn, and before its passage.

Under these circumstances, the bill was passed without any opposition.

By the terms of the act the company was required to make and record its location through this State, within two years from the passage of the act.

On account of the great length of route requiring examination between the line of Maine and the boundary, through New Hampshire and Vermont, and the necessity of exploring the courses and elevations of a great number of streams, through a country of that difficult character, extensively covered with forest, the company had not been able to complete the survey of all the practicable routes within their chartered limits, when the period of two years above refer-

red to was about expiring. The company then applied to the general assembly of 1850, for an extension of time, to complete and record their location. Owing to a want of acquaintance with the statute regulations of Vermont respecting notice in such cases, the requisite notice had not previously been given in this case, and the application failed at that time.

The company thereupon proceeded, before the expiration of the two years, to make a location upon one of the routes, which had then been surveyed. This route was by way of the east branch of the Nulhegan river. Subsequent and more full surveys and comparison of routes have shewn that the line so located is highly objectionable, and the company now ask for a further time to complete the location of their line, upon another route within this State.

Of this application, due notice has been given according to the statute.

Within the three years that have elapsed, since the company were authorised to pass through this State, no change has occurred in respect to their original purposes, and the construction of their road has gone forward according to the original design, in reliance upon the liberty of transit through this State, which was granted without objection in 1848.

At the present time, the road is built and in operation for a distance of 91 miles, extending from Portland to Gorham, New Hampshire—80 miles in Maine, and 11 in New Hampshire. The grading is, to a large extent finished, upon a farther division reaching to the Connecticut river, and the



work is now going on, upon the line up that river nearly to the mouth of the Nulhegan. The associated Canadian company have completed, and are now running 71 miles of their road, and have a further section actively in process of construction. Arrangements are effected between the two companies, by which it is intended to complete the whole line within the course of the next year—considerably more than one half of the whole route between Portland and Montreal being now in operation.

The Portland company making the present application, do not ask for any extension of limits, nor any enlargement of their powers, but only for leave to occupy the ground, which was defined for them by the legislature of 1848.

Not less than five different routes within this State and the adjacent parts of New Hampshire have been examined and surveyed.

The easternmost practicable route, between the mouth of the Nulhegan and Lenoxville in Canada, by way of Hall stream would lie wholly within the limits of New Hampshire.

Another route by way of Leach stream might pass through a small part of this State. On the American side of the boundary, the distances and grades of these routes are not unfavorable but on the Canadian side, they encounter many objections. The summit on the Leach stream route is 1547 feet above tide, and would require grades of 60 feet.

The company are fully authorized by the legislature of New Hampshire to adopt any route through that State, if their location should be made upon that side.

The route which the company adopted when they made their location last year, so as to prevent the lapse of their grant, passes by the east branch of the Nulhegan to the boundary line, and is the next most western route which the company had been able to survey, when they made their location. It is the shortest of all the routes, but is attended with the most serious objections in other respects. The summit upon this route is higher than upon any other, being 1802 feet above tide, and 447 feet higher than the summit on the route which has since been ascertained, and which the company now desire to adopt. It would require grades of 60 feet for fifteen or sixteen successive miles. It is in a narrow precipitous valley, incapable of settlement, and inaccessible by any direct approach from the other settlements of that region. The road would require to be laid upon elevated side-hill slopes, exposing it to great inconvenience and peril from snow and ice, as well as from torrents in the tributary streams, and requiring very large expenditures to guard, as far as possible, against these dangers.

By this route the road bed would require to be laid at the mouth of the Nulhegan, at an elevation of 30 feet above the highway. The necessity of crossing the Connecticut at this point, at so great an elevation, would render it impracticable to establish a depot on the Vermont side; and the continuous grade ascending northwards by this route, would require the depot at the other end of this part of the route to be established in Canada.

Subsequent to the location upon that route, the company

proceeded to make other surveys of routes farther west, in reliance upon an extension of their time.

These surveys have discovered a new and available route by following the west branch of the Nulhegan across the entire breadth of Essex county, and thence northwardly to the head waters of the Coaticook, passing into Canada.

This route will extend for thirty-two miles through the territory of Vermont, of which more than thirty miles are within the bounds of the county of Essex. The whole route is strictly within the limits of the original grant to the company.

Upon this route, the highest summit is but 1355 feet above tide, or 447 feet lower than the summit in the East Nulhegan, and the grades on both sides of the boundary do not exceed 45 feet to the mile.

It is this line, which the company wish to adopt and it is shown to be equally favorable to the purposes of the connecting company in Canada. The latter company regard it with the more favor, because it affords them the best method of connecting with the Passumpsic road and other lines in this State for Southern travel and business.

By such connections, the most direct communication would be opened from Quebec, the Eastern Townships and those parts of lower Canada lying on the lower St. Lawrence to Boston, to New York and to the markets and manufacturing towns on the Merrimack and Connecticut, through the medium of existing roads in Vermont.

The distance between the westernmost point of the line,

which the company desires to adopt, and the surveyed route of the Passumpsic road is eight or ten miles.

Another route presented in the evidence for the defence, would pass westwardly from the Nulhegan waters down the valley of the Clyde river to the surveyed line of the Passumpsic road, and thence through a considerable part of the county of Orleans, over the route of the Passumpsic road to Derby line and Stanstead.

The testimony showed that objectionable grades would be encountered on the Canadian side by this route. This was ascertained by a survey made some time ago under the direction of the Canadian Company.

The most serious objection to this route by way of Derby and Stanstead was the increased distance—this route being 19 or 20 miles longer than the shortest route, and 8 miles longer than the route which the company desire to adopt.

The respective Presidents of the Portland Company and the Canadian Company testified explicitly, that on account of this increased distance, and the heavy grades on the northern side, which could not be overcome except by very large expenditure, their several companies could not and would not, in any event, adopt this route by way of Derby Line, and they formally declined to accept an amendment, offered by the defence providing for a connection by that way.

Various objections from the most respectable sources were urged against the extension of time asked for by the company.

It was urged that if the Atlantic Railroad Company were



permitted to construct their road by the way of West Nulhegan it will take away from the Passumpsic road a great amount of business, and that it would prevent the extension of the latter road ;

That the faith of the State is pledged to this Passumpsic road to regard their interest rather than those of a foreign corporation. That the East Nulhegan is as near to the route of the Passumpsic as they ought to be permitted to come ; that permitting the Atlantic road to occupy the West Nulhegan route will have a tendency to prevent the construction of the Missisquoi road, and thereby prove injurious to the people living on that route.

And further that if the Legislature should see fit to comply with the wishes of the Atlantic road, that the Legislature should compel them to build a Railroad passing eight or ten miles west from where they wish to go, and to reach the located route of the Passumpsic road and from that point to Canada Line through the town of Derby.

In respect to the grounds and object of the opposition thus taken, there was a disagreement in the testimony offered in defence, and that disagreement was not reconciled by any thing presented in evidence.

On the one hand the President of the Passumpsic road and one other witness for the defence testified that in their opinion the interests of the Passumpsic road required that the Atlantic road should be confined to its present location, or to a line still further east.

On the other hand several directors of the Passumpsic road and other witnesses on that side testified that the in-

terests of that road would be best promoted if the Atlantic road should be extended further westward to the Passumpsic surveyed line, and thence by a route common to the two companies to Derby Line.

The President of the Passumpsic road testified that his principal objection arose from the fact that the last General Assembly had chartered a road in the valley of the Missisquoi river, from a point in the line of the Passumpsic road to the northwestern part of this state, which he had reason to believe would be built, and that in his apprehension, if the Atlantic road should be allowed to come to the west side of Essex county, the Missisquoi would then inevitably have a connection with the Atlantic line, which in his opinion would be injurious to the interests of the Passumpsic road. In respect to the bearing of this objection, the committee state, that the Missisquoi road itself was not represented before the committee, and as this objection is urged for the purpose of raising a bar to prevent the Missisquoi road from obtaining such a connection as that referred to, it seems not proper that any determination should now be formed against any desirable extension of the Missisquoi road, inasmuch as that company is at this time not represented in the case, and is incapable, for want of corporate organization, to speak for itself.

A great amount of testimony which it would be difficult to incorporate into this report, was presented to the committee, as to the grades, distance and expediency of the several routes, and the opinions of individuals in regard thereto, also as to the effect upon other roads already built or in

contemplation. From all which the committee unanimously came to the following conclusions :

That if the grant prayed for is refused, there is no certainty that any portion of the Atlantic and St. Lawrence road will ever be built in Vermont, as it may pass up the east side of Connecticut River, and by Hall's stream to Lenoxville in Canda.

That while the faith of the State is to be kept to all corporations within our borders, there is no danger of our breaking faith to any of them, by making the grant applied for by the Atlantic and St. Lawrence Railroad Company.

That where there might be a partial withdrawal of business from the Passumpsic road to the Atlantic line, so long as the former stops at St. Johnsbury, yet that it would be regained and increased upon the extension of the Passumpsic road according to its charter.

That if the northern counties of this State should derive a benefit by transacting some portion of their business over the Atlantic road as the shortest line of access to the seaboard, this advantage to them would so increase their general prosperity, as to make them even better contributors to the Passumpsic road in the way of local business and travel.

That while we think it would be advantageous to the towns of Derby and Stanstead to have the Atlantic road pass through those towns, we are far from believing that that route would be equally advantageous to either Orleans or Essex counties.

We incline to the opinion that all these roads had better

be permitted to pass on the routes, which God and nature designed for them, and which those investing funds therein may think most suitable, within their authorized limits.

We think it very clear that such is the situation of the Connecticut and Passumpsic river road, that if that road "is extended co-incident with the roads connecting with Montreal," that its proper business cannot, to any considerable extent, be diverted by rival roads, and that eventually, if the application of the Atlantic road is granted, the Passumpsic road will be sure of very great additions to its present business, and may readily have an opening to all the advantages of trade and transportation afforded by access to new markets and connections with Montreal, with Quebec and other parts of Canada.

It was objected that the proposed location of the Atlantic road would have a tendency to depress the stock of the Passumpsic road, and thus to delay its extension north of its present terminus.

The committee were of opinion upon this point, that the alleged probable construction of the Mississquoi road, would lead to an early extension of the Passumpsic road so as to meet it; that the apprehended diversion of trade of the northern counties to the Portland line, would thereby induce the Passumpsic road to complete its line so as to occupy its own ground, and that the great desirableness to the Passumpsic and other southern roads in Vermont of having an unbroken line from Quebec to New York, would lead to the earliest measures for extending the Passumpsic road to



a connection with the Canada road, so as to form a part of that important line.

Such a line would be one of the most direct lines of railroad in the world for that distance, and not less than 160 or 170 miles of it would be within the State of Vermont. But the location of the Atlantic road in the valley of the East Nulhegan would wholly frustrate this connection, and in the opinion of the committee, would weaken the inducements for the extension of the Passumpsic road.

The committee are of opinion that the interests of Essex county call for the passage of the bill, and that the legislature should so determine this question as to secure to that county the large and valuable benefit which is now offered—a county over sixty miles in length, and containing more territory than any other county in the State, and no inconsiderable portion of it of the best quality for cultivation.

The building and working of the proposed railroads within and near to the territory of Essex county would lead to a large outlay of money in that quarter, and would attract a substantial and growing population to that part of the State.

The petitioners for the desired location of the Atlantic road presented in evidence the annual report of the directors of the Passumpsic road, submitted to the stockholders in July last. It was contended by the petitioners that the statements in the 7th and 8th, pages of that report, wholly disprove all the objections now urged in opposition to this application, and show that that company has, at so recent a date, relied with entire confidence upon its permanent com-

mand of the trade upon its line, notwithstanding all rivalry, and has entertained a constant expectation of deriving large benefits from connections with a road in Canada.

The report in question having been laid before us in evidence, it is sufficient for the committee to make this reference to its contents to show its bearing upon the present case.

In view of the foregoing facts and considerations, the committee have decided to report the bill referred to us and to recommend the passage thereof.

ALVAH SABIN, *Chairman.*





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